IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4121 of 2005

Between:

Neelakantam Manikyam, S/o. Anjaiah,
R/o. H.No.9-20, Pedda Shankarampeta(A),
Medak District.

..... PETITIONER

AND

1 The District Panchayat Officer, Medak District at Sangareddy.
2 The Executive Officer, Shankarampeta(A), Medak District.
3 The Sarpanch Pedda Shankaram Peta, Medak District
502 271.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue any writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, order or direction and declare the action of the 3rd respondent in trying to demolish the compound wall without giving any opportunity of for being heard, even though the petitioner appeal dt. 25.2.2005 is pending before the first respondent consequently direct the respondent not to demolish the compound wall of the petitioner house bearing H.No.9-20 of Pedda Shankarampeta (A) Village of Medak District.

Counsel for the Petitioner:MR.I.LAXMIKANTHA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.3 : Smt.Jyothi Eswar Gogineni (SC for Grama Panchayat)

The Court at the stage of admission made the following

ORDER:

The petitioner claims to be the owner of the house bearing Door No.9-20 of Pedda Shankarampeta village, Medak District. He was served with a notice, dated 17.02.2005, by the Secretary, Pedda Sahankarampeta Grama Panchayat, alleging that he has constructed a compound wall unauthorisedly and accordingly directing him to demolish the same within 24 hours. Aggrieved by the same, the petitioner preferred an appeal before the Divisional Panchayat Officer, Medak District. This writ petition is filed alleging that the appeal preferred by him against the impugned notice dated 17.02.2005 has not been considered and no orders have been passed so far, but in the meanwhile the respondents 2 and 3 are taking steps to demolish the compound wall in pursuance of the impugned notice dated 17.02.2005.

The learned Government Pleader for Panchayat Raj and Rural Development who accepts notice for the first respondent points out that against the order of the Gram Pancdhayat dated 17-02-2005 an appeal lies to the District Panchayat Officer, the first respondent herein, but not to the Divisional Panchayat Officer.

In the circumstances, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal before the first respondent within a period of two weeks from today. If such an appeal is preferred, the same shall be entertained and appropriate orders be passed within a period of four weeks thereafter. Till such time, the impugned notice dated 17.02.2005 shall not be implemented. No costs.

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03.03.2005

Note : Issue operative portion by wire

at party's cost.

(B/O)

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To

1 The District Panchayat Officer, Medak District at Sangareddy.
2 The Executive Officer, Shankarampeta(A), Medak District.
3 The Sarpanch Pedda Shankaram Peta, Medak District
502 271.

4 Two C.Cs to the G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT).

5 2 CD copies

6 1 CC to MR.LAXMIKANTHA RAO